



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,026	12/08/2005	Naoki Ode	450100-05118	8331
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
EXAMINER				
BRYANT, DOUGLAS J.				
ART UNIT		PAPER NUMBER		
2195				
MAIL DATE		DELIVERY MODE		
11/05/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,026

Applicant(s)

ODE, NAOKI

Examiner

DOUGLAS BRYANT

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Claims 1-20 are pending. This office Action is in response to amendments filed on July 31, 2009.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claims language is not clearly understood:

- i. Claim 1, line 3, it is unclear how “management program comprising the steps” (i.e. replace “comprising” with “when executed perform”)
- ii. Claim 1, line 6, (claims 6, 11, and 16 as well), it is not clearly indicated what considered as "task conflict" (i.e. is the state of the task has anything to do with it? for example, task that should be executed has been put in the waiting state or vice versa?).
- iii. Claim 1, line 6, (claims 6, 11, and 16 as well), it is not clearly understood where the predetermined conditioned of each task is located? (i.e. does it comes with the task execution request? or was it set when task conflict is detected?)

- b. The following claim language lack antecedent basis:

- iv. Claims 1, 6, 11, and 16, "the state" and
- v. Claims 1, 6, 11, and 16, "the transition determination step"

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4. Claims 1-2, 6-7, 11-12, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shitahaku (Shitahaku) US 2002/0037753 A1 in view of Shitahaku (Shitahaku_B) US 2003/0110202 A1.
- 5. As per claim 1, Shitahaku teaches a computer-readable conflict management program that is to be executed by a computer, the conflict management program comprising the steps of:
 - receiving a task execution request **(Para 38, lines 1-2)**;
 - registering an active task in an active task list **(Para 38, lines 2-3)**;
 - detecting for a task conflict by referencing the active task list when the task execution request is received in the execution request reception step **(Para 43, lines 1-4)**;
 - respectively placing the task designated by the task execution request and the task registered in the active task list in the states determined in the transition state determination step **(Para 44, lines 1-5)**.

6. Shitahaku does not teach determining the state to which a task designated by the task execution request should switch and the state to which a task registered in the active task list should switch in accordance with (a) predetermined conditions set for each task and (b) a current state of each task, when a task conflict is detected in the conflict detection step.

7. However, Shitahaku_B does teach determining the state to which a task designated by the task execution request should switch and the state to which a task registered in the active task list should switch in accordance with

(a) predetermined conditions set for each task (**Para 36 and Para 37 see table 3 Para. 35**) and

(b) a current state of each task when a task conflict is detected in the conflict detection step

(Para 28, lines 1-5; Para 31, lines 1-3 [see table 1 Para. 29]).

8. It would have been obvious at the time the invention was made to incorporate the teachings of Shitahaku_B into the methods Shitahaku to have a current state and predetermined conditions in a active task list. The modification would have been obvious because one of the ordinary skills in the art would have an active task list that would be able to acknowledge the predetermined conditions as well as the current state of each task that has conflict detection.

9. As per claim 2, Shitahaku_B teaches the computer-readable conflict management program according to claim 1, wherein the transition state determination step comprises:

referencing, when a task conflict is detected in the conflict detection step, a conflict condition table that stores states to which conflicting tasks should switch (**Para. 32-33; see table 2**);

and determining respectively the state to which the task designated by the task execution request should switch and the state to which the task registered in the active task list should switch (**Para 34-36; see table 3**).

10. As per claim 6, 11, and 16, they are rejected on the same rationale as claim 1.

11. As per claim 7, 12, and 17, they are rejected on the same rationale as claim 2.

Claims 3-5, 8-10, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shitahaku (Shitahaku) US 2002/0037753 A1 in view of Shitahaku_B (Shitahaku) US 2003/0110202 A1, as applied to claims 1,6,11, and 16 above, and in further view of Parkin (Parkin) US Patent 4073005.

12. As per claim 3, Shitahaku in combination with Shitahaku_B teaches the computer-readable conflict management program according to claim 2; However they are silent to the fact of registering a task in an execution list that is within the active list and registering a task to wait to be executed within the execution list.

13. However Parkin teaches wherein the active task registration step comprises: registering the task to be executed in an execution list within the active task list (see figure 5, part 502); and registering the task that should wait for execution in an execution wait list within the active task list (see figure 5, part 502; It is understood that once the task status is set to ready it is waiting to be executed).

14. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Parkin into the methods of Shitahaku and Shitahaku_B to register a task to be executed within the active list as well as register the next task to be executed after the completion of the current task. The modification would have been obvious because on of ordinary skill of the art would have added this capability to not only increase the efficiency and convenience of the system but to also ensure the system is operating optimal capacity.

15. As per claim 4, Parkin teaches the computer-readable conflict management program according to claim 3, wherein the active task registration step comprises:

selecting the task to be executed and the task that should wait for execution in accordance with the priorities of the states determined in the transition state determination step (Col 15, lines 29-30; Col 2, lines 54-56);

registering the task to be executed in the execution list (see figure 5, part 502); and

registering the task that should wait for execution in the execution wait list (see figure 5, part 502; It is understood that once the task status is set to ready it is waiting to be executed).

16. As per claim 5, Parkin teaches the computer-readable conflict management program according to claim 2, wherein the transition state determination step comprises:

canceling the task execution request when it is determined that the task designated by the task execution request cannot be executed (Col 15, lines 31-34).

17. As per claim 8, 13, and 18, they are rejected on the same rationale as claim 3.

18. As per claim 9, 14, and 19, they are rejected on the same rationale as claim 4.

19. As per claim 10, 15, and 20, they are rejected on the same rationale as claim 5.

Response to Arguments

20. Applicant's arguments filed July 31, 2009 with respect to claims 1-20 have been fully considered but they are not persuasive and are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS BRYANT whose telephone number is (571)270-7707. The examiner can normally be reached on M-F 8:00-5:00pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-ai can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 2195

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/

Supervisory Patent Examiner, Art Unit 2195

/DOUGLAS BRYANT/

Examiner, Art Unit 2195